IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE GHULAM MOHAMMED

TAKEN UP WRIT PETITION NO : 20214 of 2004

Between:

Sri Ch. Chandraiah and 27 others residents, of L.B. Nagar, Ranga Reddy District.

..... PETITIONER

AND

1 The Commissioner, L.B. Nagar Municipality, L.B. Nagar, Ranga Reddy

District.
2 The Collector, Ranga Reddy District at Hyderabad.
3 The Member Secretary, A.P. Pollution Control Board, Hyderabad.
4 The Secretary to Government of Andhra Pradesh, Municipal

Administration Department,
Secretariat, Hyderabad.
5 The Secretary to Government of Andhra Pradesh, Food and

Agriculture Department,
Secretariat, Hyderabad.
6 The Vice-Chairman, Hyderabad Urban Development Authority,
(H.U.D.A), Hyderabad.
7 The Commissioner, Department of Fisheries, Government of A.P.,

Hyderabad
(R7 is impleaded as per court order dt. 15-12-2004)

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to

issue an Order, direction, or a Writ, more particularly one in the nature of Writ of Mandamus calling for remarks and records from the Respondents herein relating to construction of a building for the proposed housing of a very big whole sale and retail fisheries market adjacent to the Ranga Reddy District Court and residential area in L.B. Nagar, without any approval from the Municipal Authority, A.P. State Pollution Control Board and which is in breach of the approved plan of L.B. Nagar Municipality as the same is earmarked as Agricultural Market Committee of Agricultural Department and because of the proposed housing of the said fish market, the inhabitants in the area will suffer from the contagious diseases due to the polluted and contaminated air caused by the rotten fish and fish wastage and to pass appropriate orders directing the concerned authorities to prevent the location of fish market adjacent to Ranga Reddy District, Court residential area in L.B. Nagar

Counsel for the Petitioner: PETITION

Counsel for the Respondent No.1: Mr.B.Viswanath Reddy

Counsel for the Respondent No.2: GP for Revenue

Counsel for Respondent No.3 : S.V. Bhatt, SC for APPCB

Counsel for the Respondent No.4: GP for Muncipal admn. & urban development

Counsel for the Respondent No.5. G.P. for Agriculture

Counsel for the Respondent No.6: Mr.M.Surender Rao

Counsel for the Respondent No.7: G.P. for Fisheries,

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

A representation dated 26.10.2004 was received regarding the alleged construction of building proposed to house the big whole sale and retail fisheries market adjacent to the Ranga Reddy District Court and a residential area in LB Nagar without approval of the statutory authorities.

Pursuant to the notice ordered by this Court, Mr.C.Ailaiah, Additional Director of Fisheries has filed his affidavit in reply. The affidavit in reply states that the Government had decided to utilize the market cess collected by the Agricultural

Market Committee to create proper infrastructure facilities in the fisheries' sector. One of the infrastructures is establishment of modern fish markets and for creation of hygienic and sanitary facilities in the existing municipal markets. Under the scheme, Rs.440 lakhs have been allocated to create hygienic facilities in 49 Municipal markets in the State. Similarly, the Committee for Fisheries Infrastructure Development has approved the establishment of wholesale fish market complex in Hyderabad at a cost of Rs.70.00 lakhs. There are two wholesale fish markets in Hyderabad located at Musheerabad and Begumbazar. These fish markets receive 40 to 50 lorries load (each with 5 tonnes of fish per day) from different parts of the State. 10 to 15 loads of fish are being repacked and exported to Nagpur, Mumbai, Assam and Delhi etc; from these fish markets. The existing wholesale fish markets are located in thickly populated and congested areas and the places are no more suitable for fish marketing. The Begum bazar fish market was constructed by and is under the control of Municipal Corporation of Hyderabad. The Musheerabad fish market has no civil structure and the total fish marketing activities take place on the lane/road itself near the traffic island near Ramnagar x road. It is managed by the association of local fish merchants. These fish traders have opened their office in a rented house around the area of Ramnagar Municipal Traffic island. There is no provision to make available the modern communication and automation facilities, but they carry out the business from the same centers where fish is sold in wholesale, as well as in retail. There is no facility for storage of fish or an ice plant at present. The market is not maintained hygienically. Due to inadequate space for wholesale fish business, lack of sanitary facilities and traffic congestion in the bylane road at Musheerabad, the fish vendor's are not able to carry the fish from wholesale dealers. As there are no facilities for removing the waste materials, the retailers and the fish cutters in the existing markets are dumping the wastage and letting out the water from the fish baskets, directly on the road sides. Therefore, in order to shift the wholesale fish markets from Musheerabad, to facilitate and eliminate the inconvenience to the public, a decision was taken to create a modern wholesale fish market at a suitable place.

The affidavit further states that proposal for establishing a new wholesale fish market was discussed with Marketing Department, which is arranging the markets for Agriculture products, Horticulture products and Vegetables. The site selected is located inside the big marketing complex where vegetable market and onion

godowns were already existing. Technical approval was given by the Engineering wing of the Marketing Department and it is proposed to ensure that there is no pollution of ground water or emitting of bad smell in the surrounding. The wholesale fish market will have 71 shops for fish traders and the complex will have proper drainage facilities, power connection, toilet facilities and fish preservation facilities. It will also have compound wall to regulate the traders in the area. Retail fish marketing and dressing of fish will not be permitted in the wholesale fish market surroundings. It will be only a wholesale distribution center to local retail traders and to districts. Water supply points are provided for cleaning the fish stall every day after the wholesale fish business. There would be proper drainage system for complete draining of water and arrangements will be made for disposal of waste material in closed containers to be picked up by Municipal Corporation of Hyderabad every day.

In view of the detailed affidavit, there is hardly any ground to issue any further direction in this matter more particularly when the infrastructure, which is coming up, is bound to be a modern one taking care of environmental problems.

The writ petition stands closed.

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DEVINDER GUPTA, CJ

Dated 24..02..2005

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GHULAM MOHAMMED

msv.

To

1 The Commissioner, L.B. Nagar Municipality, L.B. Nagar, Ranga Reddy

District.
2 The Collector, Ranga Reddy District at Hyderabad.
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(H.U.D.A), Hyderabad.
7 The Commissioner, Department of Fisheries, Government of A.P.,

Hyderabad

8 2 CCs to Government Pleader for Fisheries, High Court of A.P.

Hyderabad (OUT).

9. 2 CCs to Government Pleader for Municipal Administration and Urban

Development, High Court of A.P. Hyderabad (OUT).

10. 2 CCs to Government Pleader for Agriculture, High Court of A.P.

Hyderabad (OUT)

11. 2 CCs to Government Pleader for Revenue, High Court of A.P. Hyderabad (OUT)

12. 2 CD copies.